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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,958	07/25/2001	Richard E. Whipp	AUC0002-01	7725
832	7590	09/10/2004	EXAMINER	
BAKER & DANIELS 111 E. WAYNE STREET SUITE 800 FORT WAYNE, IN 46802			RUHL, DENNIS WILLIAM	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/912,958

Applicant(s)

WHIPP ET AL.

Examiner

Dennis Ruhl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/25/01; 02/10/03; 1/17/02
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 26-33,37-40, are rejected under 35 U.S.C. 102(e) as being anticipated by Kondo et al. (6185487).

For claims 29,30,32,33,40, Kondo discloses a method of releasing a vehicle to a renter of the vehicle. Kondo discloses receiving data from a user through a communication device 38 that is external and separate from the vehicle. The central management system is 28. See column 5, lines 5-6. The central management system authorizes release of the vehicle, see column 5, lines 10-12. An authorization signal is sent from the central management system 28 to the local computer of the vehicle, see column 7, lines 3-6.

For claim 31, access is in part granted based on the authorization signal being received by the local computer, because once that happens the car is moved to a location for the renter to gain access to the vehicle.

For claims 37,38, see column 3, lines 26-40.

For claim 39, Kondo discloses that user specific data is obtained at an earlier time. The recitation that the type of data is credit card information or driver's license information is considered to be non-functional descriptive material that does not serve to

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distinguish over Kondo. Data is data and specifying the type of data saved will not serve as a limitation to define over the prior art. *In re Gulack*, 217 USPQ 401 (CAFC 1983)

For claims 26-28, the central management system is 28 and the user interface is 38. The local computer 48 is in wireless communication with the central management system. Kondo is capable of and discloses the claimed functional language on how the system operates. Patentable weight has been given to the method limitations to the extent that the prior art must be capable of the claimed function, in this case Kondo also discloses the same functionality.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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5. Claims 34,35, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al. (6185487) in view of Bishop et al. (4965821). Kondo discloses the invention substantially as claimed.

For claims 34,35, Kondo does not disclose the use of phone lines (cellular) for the transmission of the data from the central management system to the local computer (but Kondo does disclose that data is transferred between the two). Bishop discloses a car rental system where the transfer of data involved in the processing of the rental transaction is accomplished by the use of cellular phone lines. Data is transferred from the vehicle to a central management system. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use cellular phone lines to transmit the data from the central management system to the local computer. The transmission of the data is disclosed by Kondo and in view of Bishop one of ordinary skill in the art would easily recognize that cellular phone lines could be used.

6. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al. (6185487) in view Hertz (www2.hertz.com). Kondo discloses the invention substantially as claimed.

For claim 36, Kondo does not disclose that data can be entered through the use of an Internet browser. Hertz discloses that the Internet can be used and has been used to take reservations for vehicle rentals. This allows one to reserve a vehicle in advance. It would have been obvious to one of ordinary skill in the art at the time the

invention was made to allow a potential customer to reserve a vehicle over the Internet (store reservation in central management system).

7. Claims 1,2,8,16-25, are rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami et al. (6253980) in view of Kaman (5660246) and further in view of Business Solutions article (January 1998).

For claims 1,2,8,16-18, Murakami discloses a system and method for renting a vehicle 16 to a renter. The system has a central management system 12. The vehicles inherently will have original equipment glass. The local computer is 18 and is in wireless communication with the central management system, see column 11, lines 24-35. Murakami discloses that the vehicle has a user interface attached to the inside of the window. The user interface is accessible by the user from outside the vehicle through the window glass. The user enters data into the interface and the local computer determines whether or not vehicle access is to be granted. See column 20, lines 51-55. Murakami does not disclose that the interface is a touch screen associated with the window. Murakami also discloses in column 7, lines 8-17, that when the customer is entering information, it may be by way of a *"keyboard, touch screen, mouse, or other suitable user interface"*.

Kaman discloses a vehicle access controller that controls access to a vehicle to be rented to an authorized person. The system of Kaman is very similar to that of Murakami because both control access to the vehicle for the purpose of renting the vehicle. Kaman discloses that the vehicle access controller can be *"any device*

structured for determining indicia of identity of a prospective vehicle user (e.g. a keyboard, a magnetic card reader, a key card reader, a fingerprint scanner, or a retinal scanner). Where the access control device 28 is a keypad or card reader, the indicia of the identity may be an access code.” One of ordinary skill in the art reading Kaman would understand that the type of user interface used in the system of Murakami could be varied.

“Business Solutions” discloses the concept of providing a user interface to be used by a consumer/customer, where the interface is a touch screen that is attached to the inside of a window. The user can interact with the interface from the side of the window opposite the touch screen (such as from the outside of a closed business establishment with a window utilizing a touch screen). This type of structure (touch screen on the inside of the window but still usable through the window) is useful because it eliminates worries about vandals, weather, or contaminants. It also allows a user to interact with the interface while using gloves, tools, pointers, or other styluses.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Murakami with another type of user interface because it is recognized in Kaman that the type of user interface for the vehicle can be *“any device structured for determining indicia of identity of a prospective vehicle user (e.g. a keyboard, a magnetic card reader, a key card reader, a fingerprint scanner, or a retinal scanner).* One of ordinary skill in the art would be aware that a keyboard, magnetic card reader, key card reader, fingerprint scanner, retinal scanner, are possible choices of an interface from the disclosure of Kaman as well as being aware that Murakami

discloses interfaces such as a keyboard, touch screen, mouse, etc.. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a touch screen as the interface that is attached to the window of Murakami so that the advantages of this type of touch screen that are disclosed by "Business Solutions" can be obtained (eliminates worries about vandals, weather, or contaminants, also allows a user to interact with the interface while using gloves, tools, pointers, or other styluses). Murakami already discloses the attachment of a user interface to the window and the touch screen interface of "Business Solutions" is disclosed as being an interface that is especially advantageous for use with windows.

For claims 19,20, Murakami does not disclose what is claimed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to display rental terms to a renter as claimed so that there is no doubt that the terms of the contract have been agreed upon by the renter. Having a renter confirm rental terms more than once eliminates any chance of error.

For claims 21-24, when the user is prompted to enter information at the user interface (such as having to enter a PIN number) it is considered obvious to one of ordinary skill in the art to tell the user what data is needed (i.e. "please enter PIN number").

8. Claims 3-7,9-15, are rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami et al. (6253980) in view of Kaman (5660246) in view of Business Solutions article (January 1998) and further in view of Redmayne (5650597).

The above 103 combination does not disclose the features of claims 3-7,9-15.

Redmayne discloses a touch sensor that is useful with windows and discloses the limitations claimed in claims 3-7,9-15. The sensor provides numerous advantages to prior art touch sensors. See column 2, lines 10-20.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the touch sensor as is disclosed by Redmayne as the touch sensor on the window of Murakami, so that the advantages/benefits of this type of touch sensor can be obtained in Murakami.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Ruhl whose telephone number is 703-308-2262. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703-308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DENNIS RUHL
PRIMARY EXAMINER